

**BOARD OF GAME AND INLAND FISHERIES MEETING MINUTES
4000 WEST BROAD STREET
RICHMOND, VIRGINIA**

SEPTEMBER 22, 2005, 9:00 A.M

PRESENT: Sherry Smith Crumley, Chairman, C. Marshall Davison, William T. Greer, John W. Montgomery, Jr., Richard E. Railey, Jr., Will McNeely, C. T. Hill, Thomas A. Stroup, Jimmy Hazel; **ABSENT:** Randy J. Kozuch and Charles Yates (schedule conflicts); **LEGAL COUNSEL,** Roger Chaffe, **INTERIM DIRECTOR:** Colonel W. Gerald Massengill, **SENIOR STAFF:** Mike Bise, Ray Davis, Bob Duncan, Gary Martel, David Whitehurst

Chairman Crumley called the meeting to order. Mr. Stroup read the Agency's mission statement into the record and Bobby Mawyer lead the Pledge of Allegiance to the Flag.

1. Public Comment, Non Agenda Items: Kim Hosen, Woodbridge, Virginia, represent-ing the Prince William Conservation Alliance, provided an update on efforts underway to acquire Merrimac Farm in Northern Virginia for public use. Funding sources are being investigated and the Alliance expressed an interest in partnering with DGIF to manage the property if it is acquired.

2. Recognition of Employees and Others. Colonel Massengill announced that agency employees had received four Association of Conservation Information (ACI) awards.

Mel White and Ron Messina received a third place award in the video category for "A Look Outside-Trout".

Jeff Tollinger received a second place award in the poster category for "Discover our Wild Side, Virginia's Birding and Wildlife Trail, the Piedmont Area". Retired employee Spike Knuth's original artwork was featured on the poster.

Mike Bise, Gary Martel, Julia Dixon, and Becky Wajda received a second place award in the Media Category for the snakehead fish communications campaign.

Julia Dixon, Lee Walker, David Murr, Carol Kushlak, Emily Pels, Ron Messina and Mel White received a first place award in the "Big Ideas, Small Budget" category for the "Got Game" educational campaign.

Mike Bise was recognized. Major Bise presented the National Association of State Boating Law Administrator's (NASBLA) Boating Safety Officer of the Year award to Game Warden Hank Garner for his outstanding work in the area of boating safety.

Rick Perry, Senior Resident Law Enforcement Officer for the U. S. Fish and Wildlife Service recognized Game Warden Bruce A. Lemmert for his outstanding investigative work that lead to the apprehension of a number of individuals that were involved in a major band of illegal hunting activity that occurred outside Virginia's borders. Officer Perry presented Officer Lemmert with

a “Certification of Appreciation” for his outstanding commitment to success-fully conclude this investigation that began in 2003. Officer Perry read the letter of commen-dation that accompanied the award. Many Lacey Act charges are pending as a result of this investigation.

Colonel Massengill recognized Captain Dee Watts for the support he provided Officer Lemmert during the investigation.

Colonel Massengill announced that Charlie Sledd’s absence was due to his attendance at a NASBLA Conference in Portland, Oregon where he was elected to a one-year term as President of the Association.

Colonel Massengill also announced that 10 Virginia game wardens have been deployed to the Gulf Coast to assist with the Hurricane Katrina recovery efforts and to provide much needed law enforcement assistance. The following officers have gone to Mississippi: Brett Saunders, Chris Thomas, Brian Young, Ronnie Warren, Carl Martin, Marshall Crosby, Keith Harver, Chris Dougherty, Eric Benninger, and Kevin Clark. A second group of officers will more than likely be deployed to the region in mid October to replace this group of officers.

3. Minutes of Meetings: Draft minutes of the August 18, 2005 meeting have been posted on the Agency’s Website and copies were included with the meeting briefing materials. Chairman Crumley called for any additions or corrections to the minutes. As there were none, **Mr. Hill moved, seconded by Mr. Railey, passed unanimously in a show of hands vote that the minutes be approved as written: Ayes: Hill, Railey, Davison, Greer, Montgomery, McNeely, Crumley, Stroup and Hazel.**

4. Committee Reports: Audit Committee: Chairman Montgomery reported that the Audit Committee met September 8 and conducted a sampling of small purchase card activity. No inappropriate purchases were identified. One incident occurred where an employee had not received the appropriate advance approvals. Appropriate training and counseling was provided to the individual.

Mr. Montgomery noted for the record that the Commonwealth of Virginia is converting from the American Express Credit Card to MasterCard. The Committee will review employees’ purchasing authority to insure that each employee has the appropriate spending levels to meet his program needs.

Governance Committee: Chairman Hazel reported that the Governance Committee met September 6 and feels that they have identified the appropriate issues that need to be addressed in the governance document. A draft document is being written. Mr. Hazel commended David Whitehurst for the support he has provided. The Committee still has not resolved how the audit function needs to be addressed. The Committee plans to schedule its next meeting for the week of October 17.

Search Committee: Chairman Montgomery announced that the Search Committee meeting scheduled for September 22 was canceled. The vacancy for the director’s position has been announced and is expected to close in mid-October.

5. Wildlife Disease Update: Bob Duncan provided a PowerPoint presentation on the Department's Chronic Wasting Disease (CWD) Response and Surveillance Plan. Virginia's Response Plan has been activated as a result of the positive CWD finding in a free-ranging two-year old road kill white-tailed deer found in Hampshire County, West Virginia. He noted that the surveillance plan is an annual plan that changes as necessary based on needs.

Mr. Duncan reported that the Department received immediate notification on September 2 from the state of West Virginia when they received a positive CWD test results. At that time, the Office of the Secretary of Natural Resources was contacted and the Department put out a news release on the topic. Since that date, Department staff has attended and participated in a public information meeting that was sponsored by West Virginia to learn more about their plans. West Virginia is now attempting to identify how widespread the disease occurrence may be by collecting deer until mid-October within a five-mile circle of where the road kill deer was found. It is their plan to harvest approximately 100 animals for testing within the target area.

Virginia plans to enhance its response efforts in the four counties considered at high risk that are adjacent to the West Virginia border (Shenandoah, Frederick, Clarke and Loudoun. Staff plans to random sample 500 white-tail deer that will be collected from road kills and hunter harvested animals in these four counties. Staff will also respond to any calls about deer that appear sick, i.e., displaying clinical symptoms of any disease, and we will conduct a public education effort.

There are several counties (Dickenson, Scott and Wise) in Virginia that are considered to be of medium risk for the disease because they are adjacent to the Kentucky border where elk are located, their proximity to the West Virginia border and the locations of concern in Virginia, or because of the presence of cervids moved during the past five years to zoos, i.e., Chesterfield and Rockbridge.

Mr. Duncan noted that the Virginia Department of Transportation has been very responsive to our need to collect road kill deer for testing and they have pledged their willingness to cooperate in this effort.

The Department will also conduct the following public information meetings: Woodstock on October 3, Winchester on October 6 and Loudoun on October 5. Background information will be presented at these meetings on CWD and its potential implication to the public in general. We have also updated our CWD information brochure.

Mr. Duncan added that because the Board and the Department have been proactive in efforts to deter disease spread with the enactment of regulations banning interstate and intrastate movement of deer, the moratorium on deer farming, the position to not stock elk and other initiatives, staff does not feel that the spread of CWD into Virginia is inevitable. Should Virginia identify a positive CWD case, it will fully implement its response plan.

The Board discussed the potential impact CWD would have on our automatic deer checking system if it is ever found in Virginia. Staff also indicated that it may eventually be necessary to seek additional legislative authority to strengthen the Agency's ability to contain any disease.

Additionally, the Board discussed the interest in this disease at the Federal level and they also heard that the Department will continue to proceed to transfer an existing fallow deer farming operation to Loudoun County once the herd has been tested for the presence of disease. It is felt that this deer herd will be transferred to a more secure facility and this herd is at a reduced risk for disease because of the number of years it has been at the Shenandoah County location. The Board asked if it may eventually be necessary to develop a memorandum of understanding (MOU) among states on the management of the CWD issue. Staff was requested to review whether a MOU is needed.

Chairman Crumley announced a break at 10:30 a.m. The meeting reconvened at 10:35 a.m.

6. Financial Report: Using PowerPoint, Ray Davis presented an update on the Agency's revenue and spending for the first two months of this fiscal year. Although he felt that there is not cause for alarm at this time, Mr. Davis reported that cash receipts and revenue appear to be down approximately \$1.8 million each for the same time period in the 2005 fiscal year. Cash transfers are up approximately \$31,000. Revenues are down in boat fund collections, registration and titling and fisheries license sales. Federal grant funds collection is down by approximately \$800,000 and this is felt to be a timing issue. The reduction in fishing license revenue receipts may be attributed to the agency's increased utilization of automation to deliver licenses and services which allows for an earlier transfer of revenue to the Department from 40% of the agents. A night shift is working to process boat registration and titling requests, which allow the agency to more timely respond to the boating public and boat revenues were received earlier in the previous fiscal year.

Mr. Davis noted that due to the increased cost of fuel, the Department has already spent 42% of its gasoline budget. However, we do not anticipate a year end deficit because the overage will be addressed via unfilled personnel vacancies and economy in other areas. Our travel cost for 2006 is down compared to 2005.

Mr. Davis noted the Department is striving to maximize its use of federal funds by initiating and completing the eligible projects first. The Board requested more information on what the Department plans to do or work that will not be done to cover the increased gasoline costs to avoid overspending by year end. They requested monthly status reports on gasoline costs and management options.

Mr. Davis also presented an overview of the Department's revenue sources for operations. The FY 2006 budget is \$46.5 million, with \$18.3 million from license sales (39%), federal funds at \$10.3 million (23%), boat revenue at \$7.7 million (16%) and other revenue sources (HB 38, product sales, donations, etc.) at \$10.2 million (22%).

Staff estimates that the Department will collect \$3.4 million in FY 2006 in boat registration and titling fees and \$4.3 million from the watercraft sales and use tax. The initial enabling legislation for the watercraft sales and use tax stipulated that 100% of this revenue would come to the Department for boating work. However during the recent budget crisis, a portion of this revenue source was diverted to the general fund to address the deficit. The legislature has now capped

our apportionment of this revenue source to the \$4.3 million, and the Board concurred that they need to make an effort to have the legislature fully restore this revenue to the Agency. It is estimated that the Commonwealth will collect approximately \$ 6 million from the watercraft sales and use tax. Colonel Massengill noted for the record that staff projects a revenue shortfall for the agency in the near future if this revenue source is not fully restored.

Staff estimates that the revenue from the wildlife conservationist license plates for 2006 will be \$700,000, interest \$349,000, donations \$220,000, tax check-offs \$133,000, product sales \$260,000, game replacement fines \$91,000, leases \$60,000, various donations \$50,000, workshop fees \$15,000, timber sales \$15,000, other revenue \$13,000 and \$10.5 million from HB 38. The Department expects to pay the first installment on the Featherfin land acquisition loan at \$1.5 million, VITA charges will be \$90,000 and central services charges will be \$610,000.

Federal funds consist of Dingell-Johnson fish restoration at \$3.8 million, Pittman-Robertson wildlife restoration at \$3.8 million, endangered species at \$142,000, wildlife conservation and restoration at \$272,000, state wildlife grant at \$856,000, homeland security at \$384,000, boating safety at \$852,000, and other sources at \$229,000. Federal funds are received as reimbursement for work already completed. Additionally, federal funds have significant restrictions on how they can be used. Dingell Johnson funds are earmarked for specific fish restoration efforts for game fish (no law enforcement activity). Other than the amount allocated for hunter education, Pittman-Robertson funds are restricted to game wildlife enhancement efforts. These same types of restrictions apply to other federal revenue sources. Additionally, if a state use any of the funds generated from the sale of hunting and fishing licenses for activities other than the support of wildlife restoration efforts, it can constitute a diversion factor and thereby make the state ineligible for the receipt of additional federal funds. If federal funds are not spent within an identified period (two to three years), they revert back to the federal government. Since federal funds are paid to states on a reimburse-ment basis, staff cautioned that the Agency is getting very close to not having the agency funds needed to match federal funds, thereby eliminating Virginia's access to this revenue source.

Staff reminded the Board that every time the legislature grants free license privileges to entities, it negatively impacts the Department's federal fund receipts which are based on the number of licenses sold.

Mr. Davis noted for the record that 54% of the Agency's revenue is generated from outside sources (federal funds, watercraft sales and use tax and HB 38). Internal sources constitute 46% of the Agency's total budget (license sales and boat registration and titling fees).

7. Career Track Briefing: Larry Harizanoff presented an overview of the Department's career track advancement opportunity, which will become a part of the Agency's Salary Administrative Plan, and is an alternative career progression program for employees. It provides an opportunity for managers to determine job related competencies of employees and then recommend the advancement of employees with the successful achievement of specific competencies. Currently employees in the Fisheries, Wildlife and Wildlife Diversity Divisions participate (biologist, biologist seniors, wildlife biologist assistants and wildlife biologist assistant seniors, wildlife workers and wildlife lead workers). Game wardens and game warden seniors in the Law

Enforcement Division are being added. Salaries are adjusted upward based on the level of competencies achieved by an employee. Additionally, employee achievements are judged by peers and they recommend whether an employee advances in the program. Career track advancement is considered twice a year, and is an alternative for a promotional process. The Agency's Director has final approval on an employee's progression through the career track advancement program.

8. Chairman's Remarks: Ms. Crumley noted for the record that Board members have been attending the public input meetings where comments are being heard on advertised regulation proposals.

The Chairman and Colonel Massengill met with Franklin County officials to discuss a potential land donation by Franklin County to the Department for the purpose of establishing an office on Smith Mountain Lake. Smith Mountain Lake is responsible for 42% of the state's boating accidents. The Secretary's office has received a briefing on this issue.

Recently, the Department and the Smith Mountain Lake community held a public meeting to discuss boating safety issues on this lake.

Mr. Montgomery has been requested to serve on the Board of the Virginia League of Conservation Voters.

Ms. Crumley reported that she has been requested to serve on the National Rifle Association's Hunting and Wildlife Conservation Committee.

The Chairman and Colonel Massengill are developing a plan to meet with members of the legislature to address the Smith Mountain Lake issue and to discuss funding issues, i.e., removing the cap on the watercraft sales and use tax.

9. Director's Report: Colonel Massengill announced that a ribbon-cutting ceremony will be held October 7 in Charlotte County at the Clarkston Bridge. This bridge was designated for demolition but was spared due to public interest.

Colonel Massengill reported that he has visited and participated in meetings in the regional offices throughout the state.

A contract has been awarded for the eradication of zebra mussel from the Millbrook Quarry in Prince William County.

The Agency's Comprehensive Wildlife Conservation Strategy has been approved by the Office of the Secretary of Natural Resources and the Governor. It has now been submitted to the federal government for the appropriate review.

Recently, a meeting was held between DGIF and Virginia Tech staff to discuss on-going efforts to improve habitat for quail. The workgroup is evaluating switch grass to enhance quail habitat

and improve quail numbers. A workshop will be sponsored with Virginia Tech to further explore this opportunity and its potential benefit.

Colonel Massengill noted that it is recognized that the Department needs to increase its visibility at Smith Mountain Lake. Often times, this lake is patrolled by only one agency boat. At the recently held public meeting, all supported more resources for this agency to increase its presence and enforcement efforts on this lake. At the public meeting, much was heard about speed and speed limits, speed boats, noise, education and the licensing of boaters. The need for heightened police visibility was foremost in the discussion. Staff feels that at least 10 additional game wardens are needed in the jurisdictions surrounding Smith Mountain Lake to sufficiently provide the appropriate level of enforcement needed there. Franklin County is very interested in working with the Department to establish an office on Smith Mountain Lake. Additionally, the commute time required for our officers to travel to the lake to work is a problem.

Colonel Massengill reported that the Department has applied for grant funds to purchase radar units for use on the lake. He noted that our boats need to be redesigned to heighten visibility. Colonel Massengill requested Board authorization to add the word “police” to our boats under “Virginia Game Warden”. Game wardens support this change. **Mr. Davison moved, seconded by Dr. Greer, passed unanimously in a show of hands vote, that the agency add the word “police” under Virginia Game Warden to better identify its boats. Ayes: Davison, Greer, Montgomery, Railey, McNeely, Crumley, Hill, Stroup and Hazel.**

Colonel Massengill reported that a number of arrests were recently made as the result of law enforcement efforts to curtail illegal bear hunting activities in Virginia and North Carolina.

Ms. Crumley asked and Mr. Hazel stated that the public is pleased with the Department’s on-line capability to purchase licenses.

Ms. Crumley stated that she is still concerned that license agents are not asking license buyers if they wish to contribute to the Hunters for the Hungry program.

10. Closed Session: At 12: 40 p.m., Mr. Railey moved, seconded by Mr. Stroup, passed unanimously in a show of hands, vote that the Board go into a closed meeting pursuant to Section 2.2-3711.A3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property with respect to a status report on previously approved property acquisitions in the City of Chesapeake, the Counties of Appomattox/Buckingham/Prince Edward, and the County of Louisa, and a status report on possible property acquisitions in Northern Virginia and Southwest Virginia, and a discussion on possible partnerships for other property matters in the City of Fredericksburg and surrounding counties and Sussex County, and further pursuant to Section 2.2-377.A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Department of Game and Inland Fisheries specifically regarding the performance of the Interim Director.

In open session at 2:05 p.m., **Mr. Montgomery** certified, that whereas the **Board of Game and Inland Fisheries** had convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the **Virginia Freedom of Information Act**, and whereas § 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law, now, therefore, be it resolved that the **Board of Game and Inland Fisheries** hereby certifies that (i) to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

Mr. Davison moved, seconded by **Dr. Greer**, passed unanimously in a show of hands vote that the above certification was a true and accurate statement. Ayes: **Davison, Greer, Montgomery, Railey, McNeely, Crumley, Hill, Stroup and Hazel.**

Ms. Crumley announced that the next scheduled meeting of the Board is October 27, 2005, beginning at 9:00 a.m.

At 2:10 p.m., **Mr. Montgomery** moved, seconded by **Mr. Hill**, passed unanimously in a show of hands vote that the meeting adjourn. Ayes: **Montgomery, Hill, Davison, Greer, McNeely, Railey, Crumley, Stroup and Hazel.**

Respectfully submitted,

Belle Harding
Recording Secretary